

## Comment Set 14, cont.

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### Comment ES-4. Page ES-6 and ES-7. Areas of Controversy. Bullet List.

Areas of controversy that were identified at the Public Scoping meeting of February 20, 2002, have not been included. For the convenience of the Commissioners, an excerpt from the transcript of that meeting is provided below.  
From the transcript of the Public Scoping Meeting Feb 20, 2002:

"MR. LAMBERT: I'm Mark Lambert, and I just wanted to make a couple of comments on behalf of Rodeo Inc [sic Rhodia Inc.]. We have an industrial facility that is located on the southern shore of the Carquinez Strait between Bayfront Road [sic. Waterfront Road] and the Strait. And we are going to be in the process of undertaking an environmental remediation, part of which is geared towards containing historical copper and zinc contamination that is in and around our site. And we noticed on the maps that have been supplied thus far that one of the only stretches of the proposed pipeline line, where there is no alternative route an alternative alignment line is through this stretch of marsh land south of the Carquinez Strait and north of Bayfront Road [sic. Waterfront Road]. And we would request that the EIR possibly consider alternate alignments in and around that area in order to make room for some of the ongoing environmental remediation at that site.

ENVIRONMENTAL SPECIALIST BROWN: Excuse me. Do you have a suggested route that you would offer at this time?

MR. LAMBERT: I guess I don't have a specific suggestion other than areas where -- our chief concern has to do with the historical contamination that's being contained and possible impacts that running a pipeline might have on that. So it's more of a concern about that issue than it is about the particular location, because it's possible that you know -- I'm not even sure if it cuts through our property, but it would cut through an area that we are currently responsible for maintaining and containing contamination."

[Transcript of Public Scoping Meeting transcribed by PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345, February 20, 2002.]

The following bullets should be added to the bullet list:

- Cumulative wetland impacts to Peyton Marsh and Peyton Slough Remediation and Restoration Project
- Agency coordination for Peyton Slough Remediation and Restoration Project

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**Comment ES-5. Page ES-6. Section 2.2. Project Alternatives. Second paragraph.**

14-6

The mitigation segments do not appear to address potentially significant impacts of the Proposed Project particularly with respect to mitigation segment(s) for Peyton Slough; for example, in order to reduce impacts to biological resources and land uses, a mitigation segment or alternative route should be evaluated in Segment 1 to avoid the marshlands, or to avoid impacts to the marshlands.

**Comment ES-6. Page ES-7. Section 4.1. Pipeline Safety & Risk of Accidents.**

14-7

The paragraph reads:

*"As a result, even though the existing 14-inch diameter pipe has an anticipated frequency of leaks roughly 50% greater than the proposed new 20-inch pipe, the anticipated number of very large leaks from the existing, smaller diameter pipe is less than from the Proposed Project or Existing Pipeline ROW Alternative route. But the anticipated number of small leaks is anticipated to be greater from the existing 14-inch pipe."*

Based on the description in the Draft EIR, it is not clear how the impact from each alternative was evaluated and whether the specific environment (receptor) to which a leak would occur has been considered in that evaluation. Actually, it appears that the Proposed Project may have greater environmental impact due to leakage than the No Project Alternative. It appears that the Draft EIR takes the position that a higher volume of hazardous material discharging from larger leaks at fewer locations (Proposed Project) has less impact than a lower volume of smaller leaks discharging at more locations (No Project). It is not clear how weights of "lesser" or "greater" apply to the number of leaks or the volume of hazardous material discharged to the environment.

This distinction becomes more pronounced in Segment 1 where the Proposed Project ROW traverses Peyton Marsh, Peyton Slough and the Peyton Slough Remediation and Restoration Project Area: an area of marsh that Rhodia will be responsible for remediating and restoring, and will result in the creation of diverse special species habitat. The restoration plan for the Peyton Slough Remediation Project includes a period of 10 years during which the marsh plain will be restored to tidal marsh, salt marsh harvest mouse habitat, and diverse bird and fish foraging and breeding habitats. This Draft EIR does not appear to evaluate the impacts of leaks from the Proposed Project, specifically where Phase 1 and Phase 2 traverse sensitive wetlands, as compared to an alignment that would follow the existing pipeline right of way in Segment 1, and avoid those areas subject to the remediation.

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**Comment ES-7. Page ES-7. Section 4.1. Pipeline Safety & Risk of Accidents.**

14-8

The "pinch point" where the new 20-inch pipeline meets to existing 14-inch pipeline will be on or near Rhodia's operating facility (a sulfuric acid regeneration plant with a furnace that operates at high temperatures), the Carquinez Strait, the proposed cap of the existing Peyton Slough, and the wetlands of Peyton Marsh. There appears to have been no analysis of the impacts that would occur from a discharge at this restriction, where there is a higher potential for failure due to increased product velocities inside the pipeline caused by the constriction point in capacity from 14 inches to 20 inches. More importantly, a failure at this restriction point would likely impact the Carquinez Strait, and a significantly large and sensitive wetland, Peyton Marsh and Slough. (Please also refer to Comments ES-1 and ES-6).

Furthermore, the Peyton Slough Remediation and Restoration Project is the second remedial action taken in this marsh system. Historical oil spills have impacted the upper portion of the Peyton Marsh system known as the McNabney Marsh. The results from past oil spills in the vicinity are still negatively impacting the entire Peyton Marsh system. Additional spills to the marsh would be cumulative in effect. The Proposed Project has not been analyzed for cumulative effects due to multiple spills and their resulting mitigation and restoration.

**Comment ES-8. Page ES-8. Bullet 1. Unintentional Releases from No Project Alternative versus Proposed Project of Existing Pipeline ROW.**

14-9

Although there is a discussion of frequency, there is no discussion of magnitude (i.e., in terms of volume) of releases. The Proposed Project will likely release larger quantities than the existing pipeline. (Please also refer to Comment ES-6.)

**Comment ES-9. Page ES-8. Bullet List.**

14-10

The three bullet summary, including magnitude comparisons, does not address Segment 1, despite the potential for significant impacts that would arise from the proximity of a sensitive wetland environment (i.e. Peyton Slough and Marsh). There is no comparison of such impacts to impacts that may arise from using the project proponent's existing pipeline right of way, which avoids the Peyton Slough and Marsh.

**Comment ES-10. Page ES-9, 10. Section 4.3. Biological Resources. Vegetation and Wetlands. First sentence.**

14-11

The sentence states, "*The pipeline route would cross ... as well as many small wetlands, including freshwater marsh, brackish marsh, seasonal alkali marsh, salt marsh, vernal pool and riparian scrub.*"

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The three bullet summary, including magnitude comparisons does not address Segment 1, despite the potential for significant impacts that would arise from proximity to a sensitive wetland environment, Peyton Slough and Marsh, compared to impacts in the existing pipeline right of way around the Peyton Slough and Marsh. Peyton Marsh is over 200 acres and is of regional environmental significance.

14-11

**Comment ES-11. Page ES-10. Section 4.3. Biological Resources. Vegetation and Wetlands. Third and fourth paragraphs.**

14-12

The third paragraph states, *"Direct and indirect spill impacts to special status plants and sensitive upland and wetland vegetation would also be potentially significant and mitigation is recommended. Implementation of mitigation measures could reduce impacts of relatively smaller spills to less than significant, but impacts of large spills where occurrence of special status plants exist or where restoration is difficult, are considered significant and unmitigable."*

The paragraph states, *"Unless Mitigation Segment EP-1 (avoiding Suisun Marsh and Slough) were implemented, the Proposed Project would be preferred over the Existing Pipeline ROW Alternative because it would traverse a smaller amount of sensitive vegetation types, especially salt marsh, vernal pool and riparian forest and potential habitat for special status plants. The Proposed Project is preferred over the No Project Alternative because it has less potential for spills and fewer potential impacts to special status plants and sensitive vegetation."*

The Proposed Project does not appear to provide either evaluation or quantification of impacts to wetlands in Peyton Marsh (from MP 3 to MP 5), or mitigation, such as a Mitigation Segment, for that portion of the Project.

**Comment ES-12. Page ES-11. Biological Resources. Wildlife. Third paragraph.**

14-13

The last sentence states, *"The No Project Alternative, however, has the potential to cause more significant impacts to wildlife compared to the Proposed Project due to its higher spill frequency potential, the fact that it crosses more sensitive habitat, and that there is no authority to implement mitigation measures."*

This document does not appear to evaluate, as in Segment 1 where the Proposed Project does traverse sensitive habitat in Peyton Marsh, the case where use of the existing pipeline right of way in Segment 1 may be used to avoid leaks to that habitat.

There is no statement of the basis upon which the Draft EIR claims that *"there is no authority to implement mitigation"* impacts of this kind.

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**Comment ES-13. Page ES-13. Section 4.5. Environmental Contamination and Hazardous Materials.**

14-14

This section does not mention the Peyton Slough Remediation and Restoration Project. Segment 1 traverses much of the length of Peyton Slough, which was deemed a Toxic Hot Spot in 1995 by the Regional Water Quality Control Board (RWQCB) Region II. Rhodia is currently subject to RWQCB Order No. 01-094 to remediate and restore the Peyton Slough and adjacent wetlands. The restoration plan is for 10 years during which the Marsh plain will be restored to tidal marsh, salt marsh harvest mouse habitat, and diverse bird and fish foraging and breeding habitats.

The Peyton Marsh and Slough have not been included in this portion of the analysis. An evaluation of the impacts from the construction of Segment 1 have not been conducted, including the volume of heavy metals-contaminated waste that will be generated and the potential impact from placing a pipeline in acidic groundwater conditions. In addition, the Proposed Project will create a conduit through which low pH and elevated metals concentration groundwater may migrate. This is in direct opposition to the objectives of the Peyton Slough Remediation and Restoration Project under RWQCB Order No. 01-094. The draft EIR for this project does not study and evaluate the potential for hazardous and other waste generation and exacerbation of contamination along proposed Segment 1 as compared to the use of the project proponent's existing pipeline right of way (or a new right of way adjacent to the existing right of way), or another alignment with reduced proximity to the Peyton Slough Remediation and Restoration Project area in Segment 1.

**Comment ES-14. Page ES-14. Section 4.7. Hydrology and Water Quality Impacts.**

14-15

This section does not address the potential impacts caused in Segment 1 of the Proposed Project due to temporary and permanent changes to hydrologic functions of Peyton Slough and Marsh. As part of the mitigation for the Peyton Slough Remediation and Restoration Project, improvements to marsh hydrology and hydraulics are planned. Depending on the time of implementation of the Proposed Project and the method of construction, there may be impacts, potentially cumulative in nature in this portion of the proposed pipeline alignment (and the alternative) that could occur. Based on the description in this Draft EIR, such impacts have not been investigated and necessary mitigation has not been proposed. Further evaluation of hydrologic and hydraulic impacts in Segment 1 appears to be necessary.

**Comment ES-15. Page ES-22. Table ES-1. Comparison Matrix.**

14-16

A comparison matrix for Segment 1, where the Proposed Project (Phase 1 and 2) and any alternative that traverses the Peyton Marsh and Slough, has not been provided.

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### COMMENTS ON SECTION B

**Comment B-1. Page B-7. Section B.3. Proposed Project. Detailed Description of Proposed Route. Third paragraph.**

14-17

Based on preliminary evaluation of Figure B-6, the alignment appears to cross Rhodia's remediation site. In addition, on the Rhodia site and State Lands property, the alignment appears to transverse two subsurface residual ore bodies that have been capped in place pursuant to prior RWQCB orders. Cumulative impacts from Segment 1 of the Proposed Project have not been identified or evaluated. The Remedial Design Report for the Peyton Slough Remediation and Restoration identifies the location of these ore bodies and the remediation site. This document was transmitted to the California State Lands Commission in March 2002.

**Comment B-2. Section B.3.1.2. Waterway Crossings. First paragraph.**

14-18

The first paragraph states, "...*The proposed pipeline project would cross approximately 64 waterbodies... It is anticipated that 12 of these crossings would be constructed using a horizontal directional drill (HDD) method. The remaining crossings would use a slick bore, cased bore, or open cut construction method.*"

It does not appear that construction impacts or mitigation have been identified for pipeline waterway crossings using slick bore (direct boring and jacking of a steel carrier pipe without a casing), cased bore (direct boring and jacking of a steel casing), or other tunneling methods that may be feasible. Evaluation of impacts could include but may not be limited to quantification of biological impacts from construction of staging and work areas at jacking and receiving pits, access roads, truck traffic, and noise.

**Comment B-3. Page B-17. Phase 1 Carquinez Strait Crossing. Third paragraph.**

14-19

The pig launcher/receiver and valve stations or other equipment locations near sensitive wetlands and waters have not been clearly labeled. In addition, it does not appear that the Draft EIR evaluates the impacts (including cumulative impacts) to wetlands and waters at these work sites caused by construction, operation, maintenance, and in some cases decommissioning of such equipment and facilities.

**Comment B-4. Page B-17. Phase 1 Carquinez Strait Crossing. Fifth paragraph.**

14-20

The fifth paragraph reads, "*Within Rhodia property (MP 4.1-5.0), pipeline construction, access, and workspace would need to be coordinated with the Rhodia-managed Peyton Slough Remediation and Restoration effort that is scheduled to be underway at approximately the same time. However, with the proposed HDD (Water Crossing No. 3)*"